

## STATE OF SOUTH CAROLINA

## (Caption of Case)

Application of Access Communications, LLC for  
a Certificate of Public Convenience and Necessity to  
Provide Resold Interexchange and Resold Local  
Exchange Telecommunications Services for local  
service offerings to be regulated in accordance with  
procedures

**RECEIVED**

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PSC SC  
CLERK'S OFFICE

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2010 - 236 - C

(Please type or print)

Submitted by: Scott Elliott

Address: 1508 Lady Steet

Columbia, SC 29201

SC Bar Number: 1872

Telephone: 803-771-0555

Fax: 803-771-8010

Other:

Email: selliot@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: Please see Motion seeking confidential treatment of financial information.

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

ELLIOTT & ELLIOTT, P.A.

ATTORNEYS AT LAW

1508 Lady Street  
COLUMBIA, SOUTH CAROLINA 29201  
[selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

SCOTT ELLIOTT

TELEPHONE (803) 771-0555  
FACSIMILE (803) 771-8010

July 7, 2010

Jocelyn Boyd, Esquire  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
101 Executive Center Drive  
Columbia, SC 29210

RE: Application of Access Communications, LLC, for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange and Resold Local Exchange Telecommunications Services for local service offerings to be regulated in accordance with procedures Authorized for NewSouth Communications in Order No. 98-165 in Docket No. 97-467-C; and for Interexchange service offerings to be regulated in accordance with procedures established for Alternative regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.

DOCKET NO.

Dear Ms. Boyd:

Enclosed please find for filing a Motion for Protective Treatment and Exhibit D under seal. By copy of this letter, I am serving the Office of Regulatory Staff.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/jcl

Enclosures

cc: C. Dukes Scott, Esquire w/enc.  
Judith A. Riley, Esquire

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF SOUTH CAROLINA**

RECEIVED  
PUBLIC SERVICE  
COMMISSION  
JAN 11 2011

In the Matter of the Application of	)	
Access Communications, LLC, for a Certificate	)	Docket No. _____
of Service Authority to Provide Basic Resold	)	
Local and Interexchange Telecommunication	)	
Services in Non-Rural South Carolina	)	

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT D AS TRADE SECRET**

**Introduction**

Access Communications, LLC ("Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as *Exhibit D*, filed as Trade Secret to the Application of Access Communications, LLC for a Certificate of Service Authority to Provide Basic Resold Local and Interexchange Telecommunications Services in all areas of non-rural of South Carolina ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Access Communications, LLC  
8409 Baymeadows Road, Ste. 200  
Jacksonville, FL 32256

2. Correspondence or communications regarding this Motion should be addressed to:

Scott Elliott, Esquire  
Elliott & Elliott, P.A.  
1508 Lady Street  
Columbia, SC, 29201  
Tel: 803-771-0555  
Fax: 803-771-8010  
Email: [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

with a copy to:

Judith A. Riley, Esquire  
Regulatory Counsel  
5909 N.W. Expressway, Suite 101  
Oklahoma City, OK 73132-5103  
Tel: 405-755-8177  
Fax: 405-755-8377  
Email: [jriley@telecompliance.net](mailto:jriley@telecompliance.net)

#### **I. Description of Confidential Information.**

3. The Application requires the Applicant to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

#### **II. Grounds for Claim of Confidentiality.**

4. The Applicant is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit D* to the Application are not readily available to persons external to Applicant.

5. Because the projected financial statements submitted by the Applicant in support of the Application contain confidential and commercially-sensitive information from which its

competitors may derive economic value, the Applicant seeks to protect such material from public disclosure. The Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("DCCs") in South Carolina, as well as in other states in which the Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. The Applicant clarifies herein that its request for protection applies only to the documents attached as *Exhibit D* to the Application. The Applicant is not seeking protection of any type for those reports the Applicant is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### **CONCLUSION**

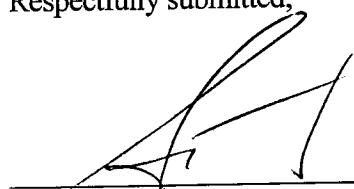
7. The financial information included in support of the Applicant's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to the Applicant as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required the Applicant to make this information available to the public. For all these reasons, the financial statements attached as *Exhibit D* to the Application should be protected from public disclosure by the Commission.

*WHEREFORE*, the Applicant respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the financial statements attached as *Exhibit D* to the Application of Access Communications, LLC, for a Certificate of

Authority to Provide Resold Local and Interexchange Telecommunications Services in the State of South Carolina filed *under seal* as Confidential in this proceeding.

Dated this 17<sup>th</sup> day of June, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Elliott', is written over a horizontal line.

Scott Elliott, Esquire  
ELLIOTT & ELLIOTT, P.A.  
1508 Lady Street  
Columbia, SC 29201  
Telephone: (803) 771-0555  
[selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

Attorney for Applicant

## CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of **Access Communications, LLC**, for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange and Resold Local Exchange Telecommunications Services for local service offerings to be regulated in accordance with procedures Authorized for NewSouth Communications in Order No. 98-165 in Docket No. 97-467-C; and for Interexchange service offerings to be regulated in accordance with procedures established for Alternative regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.

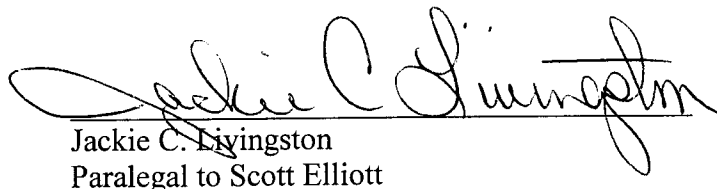
DOCKET NO.

PARTIES SERVED: C. Dukes Scott, Esquire  
Office of Regulatory Staff  
P.O. Box 11263  
Columbia, SC 29211

RECEIVED  
2010 JUL -8 11:17  
SCOTT ELLIOTT  
OFFICE

PLEADING: MOTION FOR PROTECTIVE TREATMENT AND  
EXHIBIT D

July 7, 2010

  
Jackie C. Livingston  
Paralegal to Scott Elliott